



CITY OF DAHLONEGA

City Council Special Called Meeting - Amended Agenda

March 20, 2023, 4:00 PM

Gary McCullough Chambers, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision - To be an open, honest, and responsive city, balancing preservation, and growth, and delivering quality services fairly and equitably by being good stewards of Dahlonega's resources.

CALL TO ORDER AND WELCOME

APPROVAL OF AGENDA

NEW BUSINESS

1. Oath of Office for a new appointee to the DDA
JoAnne Taylor, Mayor
2. Resolution 2023-01- Resolution for Participation in the "Certified City of Ethics" Program & Updated "City's Principles of Public Service Ethics"
Allison Martin, City Manager
3. Change to Open Container Footprint for the Bear on the Square Mountain Festival
Doug Parks, City Attorney, Ariel Alexander, DDA Director
4. Amendment to Professional Services Agreement for WSP USA Environment & Infrastructure Inc. formerly known as Wood Environmental and Infrastructure Solutions, Inc.
Doug Parks, City Attorney
5. Ordinance 2022-16: An ordinance to exclude off-street parking and loading requirements within the B-3 and CBD zones for restaurants, lounges, offices and retail businesses
Doug Parks, City Attorney
6. Zoning Changes Pursuant to HB 1405
Doug Parks, City Attorney
7. Project # 2023-003 Hancock Park Dumpster Pad Enclosure
Vince Hunsinger, Capital Projects Manager
8. Project 2023-005 North Square Sidewalk Replacement
Vince Hunsinger, Capital Projects Manager
9. Executive Session - Litigation

ADJOURNMENT



City Council Agenda Memo

DATE: March 13, 2023
TITLE: Oath of Office for a new appointee to the DDA
PRESENTED BY: JoAnne Taylor, Mayor

AGENDA ITEM DESCRIPTION:

Administer the Oaths of Office to the newly appointed member of the Downtown Development Authority.

HISTORY/PAST ACTION:

The Council selected Mr. Awtry C. Moore as a new member of the Downtown Development Authority at the Council Meeting on February 6, 2023.

FINANCIAL IMPACT:

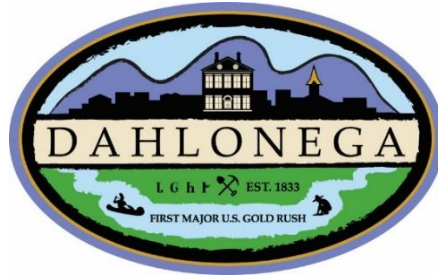
none

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:

Oath of Office for Mr. Awtry Moore.



**CITY OF DAHLONEGA
OATH OF OFFICE**

I, _____ WHO UNDER OATH STATE THAT PURSUANT TO GEORGIA
LAW I SWEAR:

THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THIS
STATE; AND

THAT I WILL IN ALL RESPECTS OBSERVE THE PROVISIONS OF THE CHARTER AND
ORDINANCES OF THE CITY OF DAHLONEGA AS A MEMBER OF THE DAHLONEGA
DOWNTOWN DEVELOPMENT AUTHORITY.

AND, I DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE
UNITED STATES AND OF THE STATE OF GEORGIA, THAT I WILL IN ALL RESPECTS OBSERVE
THE PROVISIONS OF THE CHARTER AND ORDINANCES OF THE CITY OF DAHLONEGA AND
I WILL FAITHFULLY DISCHARGE THE DUTIES AS A MEMBER OF **THE DOWNTOWN
DEVELOPMENT AUTHORITY** SO HELP ME GOD.

Dahlonega Downtown Development Authority Board Member

Sworn to and subscribed
before me this 6TH
day of March , 2023

JoAnne Taylor, Mayor



City Council Agenda Memo

DATE: March 20, 2023
TITLE: Resolution 2023-01- Resolution for Participation in the "Certified City of Ethics" Program & Updated "City's Principles of Public Service Ethics"
PRESENTED BY: Allison Martin, City Manager

AGENDA ITEM DESCRIPTION:

GMA requires re-certification each "Certified City of Ethics" every four (4) years to continue participating in this prestigious program. The City is scheduled to re-certify during the 2023 GMA Convention this June in Savannah, Georgia.

Further, the GMA Certified City of Ethics Program requires an update to the City's Principles of Public Service Ethics as newly elected officials and newly appointed City Managers are elected or appointed in a city that is part of the GMA program.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

RECOMMENDATION:

SUGGESTED MOTIONS:

I move to approve Resolution 2023-01 for Participation in the "Certified City of Ethics" Program and the City's Principles of Public Service Ethics to include Councilmember Lance Bagley and City Manager Allison Martin.

ATTACHMENTS:

Resolution 2023-01 Resolution for Participation in the "Certified City of Ethics" Program
City's Principles of Public Service Ethics Update
City's Principles of Public Service Ethics Letter
Ordinance 2004-03 – Ethics



OFFICE OF THE MANAGER

March 20, 2023

Georgia Municipal Association
The Burgess Building
201 Pryor Street, SW
Atlanta, Georgia 30303-3606

To Whom It May Concern:

Please accept this letter as a formal request for the GMA Board of Directors to recertify the City of Dahlonega as a Certified City of Ethics. As requested, City Council re-adopted the City Ethics Ordinance and Resolution on March 20, 2023. There were no changes made to the Ethics Ordinance. Enclosed you will find a signed copy of the Ethics Resolution needed for recertification.

We are proud to have earned the designation as a Georgia Certified City of Ethics and will continue to uphold the principles of this certification.

Sincerely,

Allison Martin
City Manager



Resolution 2023-01

Resolution for Participation in the “Certified City Of Ethics” Program

WHEREAS the City of Dahlonega, Georgia, wishes to be re-certified as a Georgia City of Ethics under the GMA Program; and,

WHEREAS part of the certification process requires the Mayor and Council to confirm and readopt certain ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED by the governing authority of the City of Dahlonega, Georgia, that as a group and as individuals, the governing authority subscribes to the following general ethics principles and pledges as defined by the GMA Board to conduct its affairs accordingly:

- Serve Others, Not Ourselves
- Treat All People Fairly
- Use Resources With Efficiency and Economy
- Use The Power of Our Position For The Well Being Of Our Constituents
- Create An Environment Of Honesty, Openness And Integrity

RESOLVED this 20th day of March, 2023.

JoAnne Taylor, Mayor

Attest: _____
Mary Csukas, City Clerk

Roman Gaddis, Councilmember

Ross Shirley, Councilmember

Ryan Reagin, Councilmember

Johnny Ariemma, Councilmember

Lance Bagley, Councilmember

Ron Larson, Councilmember

Principles of Public Service Ethics

»**PUBLIC INTEREST:** Treat your office as a public trust, only using the power and resources to advance public interests and not to attain personal benefit or pursue any other private interest that conflicts with the public good.

»**OBJECTIVE JUDGMENT:** Employ independent objective judgment in performing your duties, deciding all matters on their merits, free from conflicts of interest and both real and apparent improper influences.

»**ACCOUNTABILITY:** Assure that government is conducted openly, efficiently, equitably, and honorably, and in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

»**DEMOCRATIC LEADERSHIP:** Honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship observing the letter and spirit of laws and rules.

»**RESPECTABILITY:** Safeguard public confidence in the integrity of government by being honest, fair, caring, and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official.

JoAnn Taylor, Mayor

Roman Gaddis, Council Member

Johnny Ariemma, Council Member

Ross Shirley, Council Member

Ron Larson, Council Member

Ryan Reagin, Council Member

Lance Bagley, Council Member

Allison Martin, City Manager

**City of Dahlonega
Ethics Resolution for the City of Dahlonega
Council Members and Employees**

**A Resolution Establishing A Standard of Ethics For The City Of Dahlonega;
Defining Terms; Establishing Legislative Intent; Setting Ethical Guidelines For
Both Council Members and Employees**

Be it resolved by the City Council of Dahlonega and it is so resolved by the authority thereof that this resolution shall set ethical guidelines for the City Council and City Employees in the conduct of their duties:

General Provisions

Section 1. Definitions.

- (a) Employee shall be any person who is a fulltime or part-time employee of the City of Dahlonega.
- (b) City Council Member or Member of the Governing Authority shall be any person who is an elected City official, including the Mayor, of the City of Dahlonega.
- (c) Government, Governing Authority or City shall be construed to mean the City of Dahlonega, Georgia government.
- (d) Negligible value when used in this resolution shall mean something having a monetary value of not more than one hundred dollars (\$100.00).

Section 2. Intent.

It is the intent of this resolution that City Council Members and Employees avoid any action whether or not specifically prohibited which might result in, or create the appearance of the following:

- (1) using public office for private gain;
- (2) impeding government efficiency or economy; or
- (3) affecting adversely the confidence of the public in the integrity of the government.

Article A
Standards for Council Members

Section 3. Acceptance of gifts.

City Council Members shall not solicit or accept directly or indirectly anything of greater than negligible value from any person, corporation, or group which:

- (1) has, or is seeking to obtain contractual or other business or financial relationships with the City of Dahlonega;
- (2) in exchange for the thing of value seeks to have a Council Member exercise a matter of discretion in his or her favor;
- (3) in exchange for the thing of value seeks to have interests which may be affected by the performance or nonperformance of the official duty of the Council Member;

This section shall not apply to campaign contributions which shall be reported in accordance with Georgia Laws, and for the purposes of this section incidental acceptance of gifts without evidence of unethical intent in amounts not exceeding \$100.00 in value shall be deemed excluded from the activity proscribed above.

Section 4. Financial interests of members.

City Council Members may not:

- (1) have direct or indirect financial interests that conflict substantially with their responsibilities and duties as government servants; or
- (2) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained from their office. Aside from these restrictions, City Council Members are free to engage in lawful financial transactions to the same extent as private citizens.

"Interest" means any direct pecuniary benefit, which is not a remote interest held by or accruing to a member of the Governing Authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the City. A member of the Governing Authority shall be deemed to have an interest in transactions involving:

- (1) Any person in the member's immediate family;
- (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

Section 5. Use of public property.

A City Council Member shall not use government property of any kind for other than officially approved activities, nor shall he or she direct employees to use such property for these purposes.

Section 6. Use of confidential information.

A City Council Member shall not directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

Section 7. Coercion by Council Members.

A City Council Member shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons within his immediate family, or those with whom a Council Member has business or financial ties.

Section 8. Voting in matters of personal interest.

A City Council Member shall not vote on an ordinance or amendment in a City Council meeting that would directly affect his or her private business.

Section 9. Disqualification.

A Member of the Governing Authority shall disqualify himself/herself from participating in any official act or action of the City which results in a pecuniary benefit to the member or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.

Section 10. Disclosure of Conflicts of Interest.

City Council members shall disclose the nature of any interest he/she has at the time such matter is presented to Mayor and Council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the application in which he/she has an interest.

Section 11. Prohibited Contracts.

The City shall not enter into any contract involving services or property with a member of the Governing Authority or with a business in which a member of the Governing Authority has an interest. This section shall not apply in the case of:

- (a) The designation of a bank or trust company as a depository for City funds;
- (b) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;

(c) Contracts entered into in accordance with the Official Code of Georgia Annotated, §16-10-6;

(d) Contracts entered into under circumstances that constitute an emergency situation, provided that the Mayor prepares a written record explaining the emergency;

(e) Contracts entered into with a Member of the Governing Authority, or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the City Manager following disclosure.

Section 12. Unauthorized purchases.

A City Council Member shall not order any goods and services for the City of Dahlonega without prior official authorization for such an expenditure.

Section 13. Meetings of the Council.

Meetings of the Council shall be conducted in accordance with the Official Code of Georgia Annotated, Title 50, Chapter 14, as amended, and Title 36, Chapter 80, Section 1 as amended, as it applies to municipalities.

Section 14. City attorney used for private business.

A City Council Member shall not use the City Attorney of the City of Dahlonega without paying just compensation.

Section 15. Unauthorized use of public employees.

A City Council Member shall not use his superior position to request or require an employee to:

- (1) do clerical work on behalf of his family, business, social, church or fraternal interests;
- (2) purchase goods and services to be used for personal, business, or political purposes; and
- (3) work for him personally without offering just compensation.

Section 16. Travel expenses.

A City Council Member shall not draw per diem or expense monies from the City of Dahlonega to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the City except for illness or other circumstances in which the demanding of a refund would be unjust.

Section 17. Penalties.

The standards of ethics to be observed by City Council Members are set forth above and any violation thereof shall subject the offender to disciplinary action which may include a penalty in the nature of a warning imposed by the grievance committee of the City Council, and if determined by the City Council to require a penalty greater than a warning, then penalties available shall be censure, public or private reprimand. Power to administer a greater punishment shall include power to administer the lesser.

ARTICLE B

Administration Of Ethics Complaints Regarding City Council Members

Section 18. Complaints.

Any person having a complaint against any City Council member for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the Governing Authority. The complaint shall be filed with the Mayor, or in the event the complaint regards the Mayor, shall be filed with the Mayor Pro-Tem. Upon receipt of a complaint, the Mayor, or in the event the complaint regards the Mayor, the Mayor Pro-Tem shall appoint three members of Council, who, along with the City Attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the Board of Ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the Board of Ethics, the Board shall be appointed as provided herein.

Section 19. Board of Ethics.

(a) Composition of the Board of Ethics:

(1) The Board of Ethics of the City shall be composed of five (5) residents of the City to be appointed as provided in paragraphs 2 and 3 of this subsection. Each member of the Board of Ethics shall have been a resident of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the City while serving as a Member of the Board of Ethics. No person shall serve as a Member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract, transaction, or official action of the City.

(2) The Mayor and Council Members shall each designate two (2) qualified citizens to provide a pool of fourteen (14) individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed.

(3) The City Manager shall maintain a listing of these fourteen (14) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the Board of Ethics, the Mayor and Council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until

the specified five (5) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as Chairman.

(4) The Members of the Board of Ethics shall serve without compensation. The Governing Authority of the City shall provide meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the City, the City shall provide the Board of Ethics with such supplies, equipment and legal support services as may be reasonably necessary for it to perform its duties and responsibilities. The City Attorney shall initially respond to legal support issues, but may then designate such other legal counsel as in the opinion of the City Attorney may be appropriate in consideration of potential conflicts and in keeping with the Code of Professional Responsibility.

(b) The constituted Board of Ethics shall have the following duties and powers:

(1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;

(2) To hold a hearing within sixty (60) days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six (6) months;

(3) To prescribe forms, approved by the City Attorney, for the disclosure required in this Ordinance and to make available to the public information disclosed as provided in this section;

(4) To receive and hear complaints of violations of the standards required by this ordinance;

(5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this Ordinance.

(6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;

(7) To report its findings to the Governing Authority for such action as the Governing Authority deems appropriate.

Section 20. Additional regulations.

This chapter shall be cumulative to any other ordinance, resolution or act now existing.

Section 21. Right to Appeal.

Any final decision by the City Council pursuant to this resolution shall be reviewable by the Superior Court of Lumpkin County. The review by the superior court shall be limited to an inquiry of whether there was any evidence before the City Council which supported the decision of the Council.

ARTICLE C

Conflict of Interest, Political Activities and Code of Ethics As To Employees Penalties and Methods of Enforcement

Section 22. Acceptance of gifts, gratuities, special privileges.

(a) Employees shall not, other than items of negligible value, accept any gifts, loans, rewards, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value which are distributed generally nor to prohibit employees from accepting loans from regular lending institutions, it is particularly important that employees guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage or collusion.

(b) Employees shall not use or attempt to use their position to secure an economic benefit or advantages, special privileges or exemptions for themselves or others including the use of knowledge obtained by through their employment or by virtue of their position.

(c) Employees shall not accept employment or engage in any business or professional activity which they may reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

(d) Employees shall not accept payment from outside sources for professional services (i.e., teaching, instructing, speaking engagements, consulting, honorariums) when such activities are done on city time or when such services pertain to the purchase or sale of city property.

Section 23. Proprietorship of creations.

All plans, designs, reports, specifications, drawings, devices, inventions, and other items produced or created by employees during working hours or through the use of city facilities or equipment or at the request of the City shall be and become the sole property of the City of Dahlonga.

Section 24. Confidential information.

Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.

Section 25. Conflict of Interest.

(a) If an employee of the City is an officer, director, agent or member of, or owns interest any entity which is subject to the regulation of, or which has financial commitments with the City, they shall file a sworn statement to this effect with the City clerk.

(b) Employees shall not transact any business in their official capacity with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns

a controlling interest, excluding civic, charitable or religious organizations.

(c) Employees shall not have personal investment in any enterprise which will create a conflict or a perceived conflict between their private interest and the public interest.

Section 26. Political activity.

(a) No person employed by the City shall either publicly or otherwise hold himself out as a candidate in any City of Dahlongega election while holding employment with the City.

(b) City employees shall not take part in any political management or political campaigns in election of Mayor or any member of the City Council for the City of Dahlongega during any period of time for which he is expected to perform work or receive compensation from the City.

(c) No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during his hours of duty, service, or work with the City.

(d) Employees shall not represent the City by wearing any uniform or portion thereof that is issued by the City while he is participating in any campaign at any time.

(e) The City in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after work hours, or to campaign actively during off duty hours in all areas of political activity.

(f) Employees shall not utilize any City equipment or vehicles in support of any political campaign.

Section 27. Limitations and approval requirement regarding outside employment.

(a) City employment shall be considered to be the primary employment of all full-time employees. No employee may engage in outside employment which will interfere with the interests of city service. Standards by which some employment is not acceptable include, but is not limited to:

- (1) illegal activity;
- (2) employment that by virtue of association will reflect upon the reputation of the City;
- (3) high hazard or fatiguing work which might detract from or reduce City performance.

(b) Prior to beginning any regularly scheduled outside employment, employees will obtain specific written approval from their City Manager or his designee on request forms which indicate the name of the outside employer, the nature of the work, schedule of days and hours of work, address and telephone number where the employee can be reached. Such information will become a part of the employee's official personnel record. Employees are required to obtain approval from their or his designee for any change in a previously

approved outside employment request.

(c) Any employee accepting or engaging in outside employment under the terms of this rule shall make arrangements with the outside employer to be available to respond immediately to any emergency call of duty whenever the City Manager or his designee shall determine that the employee's services are necessary.

(d) Employees sustaining injuries while engaged in outside employment are normally ineligible to receive benefits under the City's Worker's Compensation program. If an employee sustains an injury while engaged in outside employment, but is performing duties, within the scope of his city responsibilities, he may be eligible for partial City Worker's Compensation benefits.

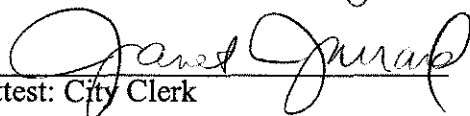
Section 28. Administration and Penalties.

Failure to comply with the provisions of this Section will result in disciplinary action consistent with the City of Dahlenega personnel policy.

It is so resolved this 12th day of July, 2004.



Mayor



Attest: City Clerk



City Council Agenda Memo

DATE: February 20, 2023
TITLE: Change to Open Container Footprint for the Bear on the Square Mountain Festival
PRESENTED BY: Doug Parks, City Attorney, Ariel Alexander, DDA Director

AGENDA ITEM DESCRIPTION:

Proposal to suspend the enforcement of open container in a specific area at the Bear on the Square Mountain Festival, so that festivalgoers may carry their alcoholic beverages from Hancock Park to the auction and live music tent across the street.

HISTORY/PAST ACTION:

The current special event ordinance allows for open container at festivals if it is contained in the footprint of Hancock Park. The festival sponsor is responsible for hiring law enforcement officers to monitor the area, and for displaying signage informing visitors that no alcohol is permitted outside of the park. Bear on the Square Mountain Festival has utilized this option for several years. This system has worked quite well since its implementation, with no negative reports from the officers, festivalgoers, or the event sponsors. In pre-event meetings with city staff, the festival committee chairs have requested permission for the festival attendants to cross North Park Street at Hancock Park with their beverage and enjoy the Main Stage, the tent where their auction is held and where several local musicians play throughout the weekend.

FINANCIAL IMPACT:

None- The Bear on the Square Mountain Festival will be responsible for hiring the appropriate amount of law enforcement officers designated by the Chief of Police and for the signage required by the city.

RECOMMENDATION:

It is the recommendation of staff to allow the suspension of the appropriate ordinances for this event.

SUGGESTED MOTIONS:

I make a motion to suspend enforcement of the open container laws of the City of Dahlonega including but not limited to the following: The Code of the City of Dahlonega, Georgia, Chapter 22, Article II, Section 22-32, Section 22-33, Section 22-34, Section 22-35, within the geographical area set aside for alcohol sales and consumption within that certain festival special event permit application granted by the City to the Bear on the Square organizer, the duration of the suspension to run concurrently with the duration of the permit granted.

ATTACHMENTS:

Bear on the Square Special Event Map and Permit Application



**"NO ALCOHOL
BEHIND THIS
POINT" SIGNS**



**LAW ENFORCEMENT
OFFICER ASSIGNED
TO ALCOHOL
BOUNDARY**



**OPEN
CONTAINER
BOUNDARY**



**FESTIVAL
FOOTPRINT**



City Council Agenda Memo

DATE: 03/07/2023

TITLE: Amendment to Professional Services Agreement for WSP USA Environment & Infrastructure Inc. formerly known as Wood Environmental and Infrastructure Solutions, Inc.

PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

It has become necessary to amend the Professional Service Agreement with Wood Environmental now known as WSP. This Agreement reflects the legal name change, extends the term of the existing contract, making changes to Exhibit A, Exhibit B, and to delete Exhibit A-1.

HISTORY/PAST ACTION:

On December 4, 2020 a Professional Services Agreement was executed between Wood and the City of Dahlonega. This project consists of approximately 4550' of pedestrian sidewalks along GA Hwy 60/ US Hwy 19 just north of Dahlonega. In addition to the sidewalk a 220' pedestrian bridge across Lake Zwerner was proposed.

FINANCIAL IMPACT:

Neutral in financial impact.

RECOMMENDATION:

Recommend to approve

SUGGESTED MOTIONS:

Motion to approve the Amendment to the professional services agreement for WSP USA.

ATTACHMENTS:

Amendment to Professional Services Agreement

**AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT**

This Amendment To Professional Services Agreement entered into as of the 3 day of March, 2023 by and between the City of Dahlonaga, a Georgia Municipal Corporation (the "Owner") and WSP USA Environment & Infrastructure Inc. formerly known as Wood Environmental and Infrastructure Solutions, Inc. (the "Contractor" or alternatively "Wood"), collectively ("the Parties") is as follows:

WHEREAS, the Parties entered into a Professional Services Agreement on December 4, 2020, ("Agreement" or "the Agreement") for engineering design services for the SR9/SR60 Business to CR 189/Wimpy Mill Road project; and

WHEREAS, on September 21, 2022, Wood Environment & Infrastructure Solutions, Inc. changed its legal name to WSP USA Environment & Infrastructure Inc. as evidenced by the Certificate of Name Change certifying that its legal name has changed together with other related documents, which are attached hereto as a new schedule, i.e. Schedule 1 and incorporated herein; and

WHEREAS, it is in the mutual best interests of Owner and Contractor to amend the Agreement to reflect this legal name change; and

WHEREAS, the parties also desire to extend the term of the existing contract, make changes to Exhibit A and to Exhibit B and to delete Exhibit A-1; and

WHEREAS, to establish the name change, extend the term of the contract, add a Schedule 1, make changes to Exhibits A and B and further to delete Exhibit A-1, the Parties now wish to enter into this Amendment to Professional Services Agreement extending the date for substantial completion.

Now therefore, the Parties agree as follows:

1.

The parties signing this agreement hereby state that they have the authority to bind the entity on whose behalf they are signing.

2.

All references to "Wood Environment & Infrastructure Solutions, Inc." throughout the Agreement shall read "WSP USA Environment & Infrastructure Inc."

3.

Contractor will continue to perform all of its duties, responsibilities, and obligations under the Agreement.

4.

Owner hereby consents to continuing the Agreement with Contractor.

5.

All sums which become payable by Client under the Contract on and after the Effective Date will be made to WSP USA Environment & Infrastructure Inc.

6.

Article #102.1 Date of Commencement and Substantial Completion shall be amended to read as follows:

The Contract Time is the number of calendar days available to the Contractor to substantially complete the Project which consists of Tasks 1 through 10 identified in Exhibit A Scope of Services of this agreement, as amended. Substantial Completion is subject to adjustments of the Contract Time as provided in the Contract Document and agreement between the Parties. The Contractor shall achieve Substantial Completion consisting of the completion of Tasks 1 through 10 on Exhibit A (Concept Development to Final Plans Completion), of the entire Project:

[X] Not later than December 31, 2024. Owner, pursuant to other terms of the Agreement, may terminate this contract prior to the expiration of this date. These dates are subject to modification by mutual agreement.

7.

Exhibit A Scope of Services is amended as attached hereto.

8.

Exhibit B Cost Summary is amended as attached hereto.

9.

Schedule 1 is attached providing the legal foundation for the change of name.

10.

Exhibit A-1 Scope of Services Timeline Detail is considered deleted.

11.

Except as expressly amended hereby, all the remaining provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties have executed this agreement.

CITY OF DAHLONEGA

OWNER:

By: _____

Title: JoAnne Taylor, Mayor

Attest: _____ [Affix Seal Here]

Mary Csukas, City Clerk

WSP USA ENVIRONMENT & INFRASTRUCTURE INC.

CONTRACTOR:

By: *David Sikes* _____ [Affix Seal Here]

Type text here

Title: David Sikes, Vice President

Attest:  _____

Bradley J. Knight, Secretary

EXHIBIT A

SCOPE OF SERVICES

Contractor's technical approach for the project was included as part of the previously submitted RFQ response in February 2020 and additional Change Order proposals approved during project execution. In summary, the design and engineering services for the project will be executed in accordance with the Owner Plan Development Process (PDP) for a limited scope concept report format. The Scope of Services is defined by the following tasks:

Task 1- Corridor Land Survey and Subsurface Utility Engineering (SUE) for utilities (Ref: Phase 2, Database Preparation)

Task 2- Concept Design Plans and Approvals per GDOT PDP – (Ref: Phase 1, Concept Development)

Task 3- Environmental Clearance: NEPA Documentation and Environmental Permitting – (Ref: Phase 3, Environmental Document)

Task 4 – Preliminary Plans and Approvals: Preliminary Design Intent Booklet, Pedestrian Bridge Structural Design, Preliminary Sidewalk Plans, Hydraulic Study, Drainage Design, Stormwater Drainage Plans, Erosion and Sedimentation Control Plans, Constructability Review, prepare and participate in Preliminary Field Plan Review (PFPR), Address PFPR comments. (Ref: Phase 4, Preliminary Plans)

Task 5- Final Plans and Approvals: Prepare and Participate in Final Field Plan Review (FFPR), Address FFPR Comments, Prepare Corrected FFPR Plans, Preconstruction Environmental Commitments, and Certification for Let – (Ref: Phase 6, Final Plans)

Task 6- Cost Estimates (Engineering Opinion of Probable Construction Cost), Project Schedule and Schedule Management – (cost estimate and Project Schedule Management are included in the Preliminary and Final Design)

Change Order No. 1: Additional Engineering Design services for Bridge Change from one-span to three-spans pedestrian bridge

Task 7- Coordination and Project Management: Communication and Meetings (internal and external)

Note: Project Management, Quality Assurance and Quality Control (QA/QC), and Documentation for Local Public Agencies (LAP) Process are budgeted in Task 2, Task 4 and Task 5 for concept development, preliminary and final design phases. The budget amount for Task 7 thus is exclusively for the completion of Phase 9 which is the cost allocation to prepare and to attend one meeting with the City and the Public.

Task 8 (Change Order No. 2) - Phase 1 Environmental Site Assessment

Task 9 (Change Order No. 3) - Geotechnical Bridge Foundation Investigation (BFI) Interior and End Bents

Task 10 (Change Order No. 4) - Relocation of Sidewalk and Retaining Walls Design Revisions Design

Note: References are to the Master Contract: RFQ#2020-007 EDS Cost Summary by Firm prepared by Wood Environmental & Infrastructure Solutions, Inc. for Morrison Moore Pedestrian Bridge and Sidewalks Project. The Response and Proposal by Wood dated August 20, 2020 is attached as Appendix F.

EXHIBIT B

COST SUMMARY

Task 1	Corridor Land Survey and Subsurface Utility Engineering (SUE) for utilities	Phase 1-Concept Development (Wood-\$45,508.75; EPEI-\$4,957.42);	\$108,215.34
Task 2	Concept Design Plans and Approvals per GDOT PDP	Phase 2-Database Preparation (Wood-\$20,127.78; Platinum Geomatics-\$37,621.39)	
Task 3	Environmental Clearance: NEPA Documentation and Environmental	Phase 3-Environmental Document (Wood-\$34,176.38; EPEI-\$14,768.20)	\$48,944.58
Task 4	<p>Preliminary Plans and Approvals: Preliminary Design Intent Booklet, Pedestrian Bridge Structural Design, Preliminary Sidewalk Plans, Hydraulic Study, Drainage Design, Stormwater Drainage Plans, Erosion and Sedimentation Control Plans, Constructability Review, prepare and participate in Preliminary Field Plan Review (PFPR), Address PFPR comments.</p> <p>Bridge and Wall Foundation</p>	<p>Phase 4-Preliminary Plans (Wood-\$75,313.90; EPEI-\$369.85; Aulick-\$14,770.00 = \$90,453.75)</p> <p>Bridge Foundation Investigation (BFI) and Wall Foundation Investigation (WFI) are geotechnical investigation that will be performed during Phase 4 – Preliminary Plans (Wood-\$24,998.65)</p>	\$115,452.40
Task 5	Final Plans and Approvals: Prepare and Participate in Final Field Plan Review (FFPR), Address FFPR Comments, Prepare Corrected FFPR Plans, Preconstruction Environmental Commitments, and Certification for Let.	Phase 6-Final Plans (Wood-\$98,327.17)	\$98,327.17
Task 6	Cost Estimates (Engineering Opinion of Probable Construction Cost), Project Schedule and Schedule Management	Phase 7-Construction Services (the Construction Services effort is not included on the Design budget) ** Cost estimates and schedule management efforts for the design are included on the Preliminary and Final Budget.	

Task 7	Coordination and Project Management: Communication and Meetings (internal and external). Note: Project Management, Quality Assurance and Quality Control (QA/QC), and Documentation for Local Public Agencies (LAP) Process are budgeted in Task 2, Task 4 and Task 5 for concept development, preliminary and final design phases. The budget amount for Task 7 thus is exclusively for the completion of Phase 9 which is the cost allocation to prepare and to attend one meeting with the City and the Public.	Phase 9-Public Involvement (Wood-\$4,322.56)	\$4,322.56
Change Order No. 1	Additional Engineering Design services for Bridge Change from one-span to three-spans pedestrian bridge	Wood \$ 38,000 Aulick-\$2,000	\$40,000.00
Task 8	Change Order No. 2 Phase 1 Environmental Site Assessment	Wood \$ 7,707	\$7,707.00
Task 9	Change Order No. 3 Additional Bridge Foundation Investigation (BFI) for the pedestrian bridge change from one-span to three-spans	Wood \$49,577.49	\$49,577.49
Task 10	Change Order No. 4 Additional Engineering services for relocation of sidewalk behind the existing guardrail on the approach to the bridge to reduce the length and height of retaining walls	Wood \$27,639.28 EPEI-\$5,064,.94	\$32,703.24
TOTAL:			\$505,249.78 *

***This total represents the maximum price for the design effort of the project based upon the scope listed elsewhere in this document.**

****Construction services are to be provided once the final design is completed pursuant to Contractor's proposal dated August 20, 2020 at page 4 which states: "At the completion of final design and if requested by the City, Wood will negotiate a fee for bidding and construction phase support services including construction administration, construction engineering and supervision, field inspections for erosion control and construction material**

testing. The construction schedule will determine the number of site visits, including the number of testing requirements and field inspections. Phases 7 and 8 identified in the referenced proposal remain open for future negotiation. Also, as to Phase 5 identified in the proposal there are no right of way plans associated with this project. Thus, Phases 5, 7 & 8 were excluded during the scope clarification and negotiation meeting that took place on August 11, 2020 and are not part of the current scope of services contemplated by this contract.

Schedule 1

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

**AMENDED CERTIFICATE OF AUTHORITY
NAME CHANGE**

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

Wood Environment & Infrastructure Solutions, Inc.
a Foreign Profit Corporation

formed under the laws of the State of Nevada and authorized to transact business in Georgia on **08/03/2000**, has amended its application to transact business in this state by the filing of an amendment changing its name to

WSP USA Environment & Infrastructure Inc.
a Foreign Profit Corporation

and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated. Attached hereto is a true and correct copy of said application.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on **09/23/2022**.



Brad Raffensperger

Brad Raffensperger
Secretary of State

**APPLICATION FOR AMENDED CERTIFICATE OF
AUTHORITY**

Electronically Filed
Secretary of State
Filing Date: 9/23/2022 8:58:53 AM

Business Information

Business Name : Wood Environment & Infrastructure Solutions, Inc.
Control Number : 0034835
Business Type : Foreign Profit Corporation
Home Jurisdiction : Nevada
Name in Home Jurisdiction : WSP USA Environment & Infrastructure Inc.
Date of Authorization in Georgia : 08/03/2000

Amended Business Information

New Business Name : WSP USA Environment & Infrastructure Inc.
Effective Date : 09/23/2022

Authorizer Information

Authorizer Signature : Bradley Knight

Authorizer Title : Officer

SECRETARY OF STATE



CERTIFICATE OF EXISTENCE WITH STATUS IN GOOD STANDING

I, Barbara K. Cegavske, the duly qualified and elected Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporations sole, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **WSP USA ENVIRONMENT & INFRASTRUCTURE INC.**, as a **DOMESTIC CORPORATION (78)** duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since 06/01/1994, and is in good standing in this state.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on 09/22/2022.

Barbara K. Cegavske

BARBARA K. CEGAVSKE

Secretary of State

Certificate Number: B202209223022311

You may verify this certificate

online at <http://www.nvsos.gov>



Ordinances and Resolutions

DATE: 02/15/2023
TITLE: Ordinance 2022-16: An ordinance to exclude off-street parking and loading requirements within the B-3 and CBD zones for restaurants, lounges, offices and retail businesses
PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

It appears that compliance with the City's off-street parking requirements in B-3 and CBD is virtually impossible and is generating loss of business relocation to those districts. The impact is being felt most heavily in the restaurant, office, and retail use categories. This ordinance, during the review phase, has been modified by staff to include general and professional offices in addition to the previously discussed restaurant and retail categories. The nominal changes to the existing regs are highlighted in yellow on the suggested revision.

HISTORY/PAST ACTION:

At the present time the zoning ordinance calls for leases or proof of ownership of off-street parking spaces to be located within 1,000 feet of buildings in the B-3 or CBD zones. It would seem that the regulation is impractical and not sustainable because of the inability to obtain off-street parking leases, etc. in the real estate market.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Recommendation to approve.

SUGGESTED MOTIONS:

Motion to approve Ordinance 2022-16

ATTACHMENTS:

Ordinance 2022-16

AN ORDINANCE TO AMEND ORDINANCE 91-9 OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS AT: SUBPART B LAND USE AND LAND DEVELOPMENT, APPENDIX B: ZONING; ARTICLE VI: OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS, SECTION 601: OFF-STREET PARKING AND LOADING SPACES REQUIRED AND SECTION 602: MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED, APPEARING AS SO IDENTIFIED IN THE CODE OF THE CITY OF DAHLONEGA, GEORGIA.

Short title: "An ordinance to exclude off-street parking and loading requirements within the B-3 and CBD zones for restaurants, lounges, and retail businesses."

WHEREAS, the City Council of Dahlonega, Georgia desires to exclude off-street parking and loading requirements within the B-3 and CBD zones for restaurants, lounges, and retail businesses.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that Subpart B, Appendix B, Article VI, Section 601 and 602, of Ordinance 91-9 appearing so identified in the Code of the City of Dahlonega shall be amended in their entirety to read as follows:

Sec. 601. - Off-street parking and loading spaces required.

Off-street automobile parking and loading spaces shall be provided, as specified in this Article, for uses and structures hereafter established in all zoning districts at the time of initial construction of any principal building, unless otherwise exempted from this Article. For developments phased in timing, parking and loading requirements may also be phased in accordance with the requirements applying for each particular time phase of development.

Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this Article, for the enlarged or new use.

Required parking and loading spaces shall be maintained and shall not be encroached upon by refuse containers, signs or other structures, unless an equal number of spaces are provided elsewhere in conformance with these regulations.

Required parking and loading spaces shall be provided with vehicular access to a public street or alley, unless such access is prohibited by these regulations.

In all zones except B-3 and CBD, off-street parking and loading facilities required shall be located on the same lot as the principal building or use. However, as much as fifty (50%) percent of the required number of parking spaces may be located within four hundred (400) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Community Development Director or their designee. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

In the B-3 and CBD zoning districts off-street parking and loading facilities up to one hundred (100%) percent of the required number of parking spaces may be located within one thousand (1,000) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Community Development Director or their designee. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal

building or use. Certain uses are excluded from off-street parking and loading requirements within the B3 and CBD zones as noted in Section 602.

In B-3 and CBD, applicants may seek administrative variance approval for reduced parking space number using applications provided by the City. The Community Development Director shall have authority to grant an administrative variance reducing otherwise required spaces by an amount not to exceed twenty-five percent (25%) provided good cause for variance is shown. The request shall be accompanied by a parking study conducted by a licensed Professional Engineer or a Certified Planner which demonstrates suitability of the site for single-use or shared multi-use parking at reduced amounts.

Sec. 602. - Minimum number of off-street parking spaces required.

The minimum number of required off-street parking spaces for each type of permitted use shall be as indicated below. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the Zoning Administrative Officer. When the application of these parking requirements results in a fractional space requirement, the fractional space requirement shall be construed to mean one (1) additional space.

Use Classification	Parking Space Requirements
Apartment and other multiple-family residential uses	Two spaces per dwelling unit plus four spaces per leasing office and ten spaces per clubhouse or recreation center
Art gallery	One space for each 300 square feet of gross floor area
Auditorium, stadium, assembly hall, gymnasium or community center	One space per four fixed seats in largest assembly room or area
Bank or financial institution	One space for each 200 square feet of gross floor area
Banquet hall	One space per every two persons of capacity
Barber or beauty shop	Three spaces for each operator or chair
Billiard hall, amusement arcade	One space for each 200 feet of gross floor area
Boarding or rooming house	One space for each two guests plus one additional space for each resident manager or owner
Bowling alley	Three spaces for each alley

Use Classification	Parking Space Requirements
Church or place of worship	One space per four fixed seats in largest assembly room
Community center	One space for each five seats, or ten spaces per 1,000 square feet of assembly areas where there are no fixed seats
Conference/convention center	One space per every two persons of capacity or one space per 100 square feet of gross floor area, whichever is greater, plus the requirements of each individual use (i.e. hotels, restaurants, etc.)
Convenience retail store	One space for each 200 square feet of gross floor area
Cultural facility	One per five seats provided for public assembly or one per 250 square feet or gross floor area when no seats are provided, plus one per full-time employee
Dance studio or school	One space for each employee plus one space per 150 square feet of gross floor area
Day care center	One space for each eight children, plus one space per employee
Event Center	One space per every two persons of capacity
Duplex	Two spaces per dwelling unit
Food store	One space per 200 square feet of gross floor area
Funeral home or mortuary	One space for each four seats in largest assembly room
Furniture or appliance store	One space per 600 square feet of gross floor area
Gasoline service station	Two spaces per gasoline pump plus three spaces per service bay
	Three spaces for each hole plus one space for each two employees

Use Classification	Parking Space Requirements
Health club, spa	One space for each 150 square feet of gross floor area
Hospital, clinic, nursing home	One space for each two beds plus one space for each staff or visiting doctor, plus one space for each three employees
Hotel, motel	One space for each guest room plus one space for each two employees on largest shift
Industrial or manufacturing	Two spaces for each three employees on largest shift
Laundry, self service	One space for each washer-dryer combination
Library, museum	One space for each 200 square feet of gross floor area
Lodge, club	One space for each three seats in largest assembly room
Miniature golf course	Three spaces per hole
Mobile home, mobile home park	Two spaces per dwelling unit plus one space for each resident manager and additional spaces for public park or use areas
Office, general or professional	One space for each 250 square feet of gross floor area. None in CBD or B3.
Office, medical or dental	Six spaces per practitioner
Personal service establishment	One space for each 200 square feet of gross floor area
Restaurant or lounge	One space for each 100 square feet of gross floor area. None in CBD or B3.
Retail business	One space for each 200 square feet of gross floor area. None in CBD or B3.
Sanitarium, rest and convalescent home, personal care home	One space for each four patient beds plus one space for each doctor and staff member

Use Classification	Parking Space Requirements
School, elementary	Two spaces per classroom and administrative or staff person
School, high	Ten spaces per classroom plus one space for each administrative or staff person
School, college, trade, vocational	Ten spaces per classroom plus one space for each administrative or staff person
Self-service storage facility, mini-warehouse	One space for each twenty storage stalls, plus two spaces for resident manager's office
Shopping center	One space for each 200 square feet of gross floor area
Single-family residence	Two spaces per dwelling unit
Theater, cinema	One space for each three seats
Wholesale	One space for each 500 square feet of gross floor area

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

It is so ordained this ____ day of _____, 2023.

By: _____
JoAnne Taylor, Mayor

Attest: _____
Mary Csukas, City Clerk



City Council Agenda Memo

DATE: March 10, 2023
TITLE: Zoning Changes Pursuant to HB 1405
PRESENTED BY: Doug Parks, City Attorney

AGENDA ITEM DESCRIPTION:

Presented via the memo under this cover are the key issues for Council consideration regarding the zoning changes outlined in HB 1405. Highlighted in **yellow** are additions to the Code of the City of Dahlonega pursuant to HB 1405. Deletions from the current ordinance are highlighted in **red**.

Specifically, the additions are outlined as follows: (1) Annexation procedures; (2) language to be included in a Public Hearing Notice; (3) specific regulations when dealing with zoning decisions relating to locating or relocating a halfway house, drug rehabilitation center or other facility for treatment of drug dependency; (4) specific regulations when dealing with a single-family to multi-family property use; (5) required investigation and recommendation with respect to zoning decisions involving land that is adjacent or within 3,000 feet of any military base or military installation; (6) Planning Commission shall have 45 days to submit recommendations; (7) appeal shall be brought within 30 days of the written decision of the appeal; and (8) designation of officer for perfection of service.

Please note that these items are subject to change. After we review with staff and receive Planning Commission feedback, these regulations will come back to you in final form for approval. Our efforts are to integrate these changes in the most efficient form.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

RECOMMENDATION:

Recommend that this matter be referred to the planning commission.

SUGGESTED MOTIONS:

For the Special Called Meeting, a motion to refer to the planning commission.

ATTACHMENTS: Memorandum Regarding Zoning Changes Pursuant to HB 1405

Date: February 23, 2023

To: Jameson Kinley

From: J. Douglas Parks, P.C.

MEMORANDUM REGARDING ZONING CHANGES PURSUANT TO HB 1405

Presented via this memo are the key issues for Council consideration regarding the zoning changes outlined in HB 1405. Highlighted in yellow are additions to the Code of the City of Dahlonga pursuant to HB 1405. Deletions from the current ordinance are highlighted in red.

(1) Frequency of application

Sec. 2603. Frequency of application.

The Governing Body or the Planning Commission may at any time file, in its own name, an application for amendment to the text of the zoning regulations or the official zoning map. ~~except that if a zoning decision of the Governing Body is for the rezoning of property and the amendment to the zoning ordinance and map to accomplish the rezoning is defeated by the Governing Body, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning by the Governing Body.~~

If the zoning decision of the Governing Body is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the Governing Body, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the Governing Body.

A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit, or variance affecting the same or any portion of property more often than once every ~~twelve (12)~~ six (6) months from the date of any previous decision rendered by the Governing Body ~~defeating a request~~ provided, however, that a property owner may petition for the alteration, modification or deletion of conditions of zoning in accordance with the provisions of this Article.

~~A property owner or subsequent property owner shall not initiate action for a text amendment affecting the same or any portion of property more often than once every twelve (12) months from the date of any previous decision rendered by the Governing Body.~~

(2) Criteria to consider for map amendments (rezonings)

Sec. 2607. Criteria to consider for map amendments (rezonings). Procedures must be complete when annexation and zoning are considered together.

In exercising the zoning powers granted to the Mayor and City Council by State Law, the City Council shall apply the following standards in making zoning decisions, weighing each standard to the extent appropriate or relevant to each zoning decision:

a) Standards for consideration of rezonings:

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- (3) Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (4) Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonega.
- (5) Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

b) Standards for considering the adoption of or amendment to Ordinance 91-9 Amended or other "zoning" ordinances:

- (1) Is the proposal consistent with the purpose and intent of the ordinance or regulation under consideration?
- (2) Does the proposal further or is it compatible with the purpose and intent of the Comprehensive Plan?
- (3) Is the proposal required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- (4) Does the proposal reasonably promote the public health, safety, morality or general welfare?

c) If the zoning is for property to be annexed into a municipality, then:

- (1) The procedures required by these regulations for zoning must be complete except for the final vote of the municipal governing authority, prior to adoption of the annexation ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6;
- (2) The public hearing(s) required by these regulations shall be conducted prior to the annexation of the subject property into the municipality;
- (3) In addition to the other notice requirements of these regulations, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing (and signage) as required under other provisions of these regulations.
- (4) The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:
 - (A) The date the zoning is approved by the municipality;
 - (B) The date that the annexation becomes effective pursuant to Code Section 36-36-2; or
 - (C) Where a county has interposed an objection pursuant to Code Section 36-33-11, the date provided for in paragraph (8) of subsection (c) of said Code section.

(3) Public notice and public hearing requirements

Sec. 2609. Public notice and public hearing required.

This section shall apply to all applications for amendments to the text of the zoning regulations, amendments to the official zoning map, petitions for variances and appeals to the Board of Zoning Appeals, requests for conditional use approval, requests for alteration or extension of conditional zoning, applications for site plan approval in the MHP District, and petitions for development approval for property within the PUD, Planned Unit Development District, and applications for condominium site plan approval.

Prior to making any zoning decision, the City Council shall conduct a Public hearing. The public hearing shall be called and a public notice provided in accordance with the provisions of Ordinance 91-9 as amended and in accordance with the provisions of O.C.G.A. § 36-66-4. Public Hearing Notice, as follows:

- a) A notice of time and place of the hearing shall be published at least 15 Days, but not more than 45 days, prior to said Public hearing in the official legal organ of the City of Dahlonega or another newspaper of general circulation within the territorial boundaries of the city. The notice shall state the time, place and purpose of the hearing in accordance with O.C.G.A. § 36-66-4. If the proposed amendment is a rezoning of property or special use initiated by a party other than the City Council, then:
 - 1) The published notice, in addition to the foregoing, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 - 2) A sign or signs containing that same information shall be placed on the property by the City not less than 15 days, nor more than 45 days, prior to the date of the hearing. The sign or signs shall be placed in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each Public road. If the property has no road frontage, a sign shall be placed at a location on each road where access will be gained to the property.

All required public hearings shall be held by the Governing Body, and no action shall be taken on said applications until a public hearing has been held by the Governing Body. Public hearings regarding variances and appeals shall be held by the Board of Zoning Appeals, and no action shall be taken on said applications until a public hearing has been held by the Board of Zoning Appeals. The public hearing shall be called, and a public notice provided in accordance with the provisions of O.C.G.A. § 36-66-4(g). Public Hearing Notice, as follows: Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (a) of this Code section these regulations and with additional notice being mailed to the owner of the property that is the subject of the proposed action.

Public hearings may be delayed, rescheduled or continued to another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is given. If the applicant of a petition before the Planning Commission or Governing Body fails to attend the public hearing, then the Planning commission or Governing Body may require re-advertisement of the subject petition at the expense of the applicant. If there is no quorum of the Planning Commission or Governing Body at the scheduled public hearing, then the public hearing(s) shall be rescheduled and re-advertised at the City of Dahlonega's expense.

When a proposed zoning decision relates to or will allow the location or relocation of a halfway

house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required otherwise by these regulations. The local government shall give notice of such hearing by:

- (1) Posting notice on the affected premises in the manner prescribed by these regulations; and
- (2) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision related to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

Notwithstanding any other provisions of these regulations to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single family residential zoning, such zoning decision must be adopted in the following manner:

- (1) The zoning decision shall be adopted at two regular meetings of the Governing Body making the zoning decision, during a period of not less than 21 days apart: and
- (2) Prior to the first meeting provided for above at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the day of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required elsewhere in these regulations. Notice shall given by: (i) Posting notice on each affected premises in the manner prescribed elsewhere herein; however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and (ii) Publishing in a newspaper of general circulation within the territorial boundaries of Dahlongega a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs

of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone upon written request, a copy of the proposed amendment, at no cost.

The provisions above shall also apply to any zoning decision that provides for the abolition of all single-family residential zoning classifications within the territorial boundaries of Dahlongega or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of Dahlongega to multifamily residential uses of property. These provisions, however, shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

(4) Recommendation by zoning administrative officer; additional duties

Sec. 2610. Recommendation by zoning administrative officer; additional duties.

The Zoning Administrative Officer will, as appropriate, customarily submit to the recommending and/or decision making body, prior to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by these regulations. The recommendations of the Zoning Administrative Officer shall have an advisory effect only and shall not be binding on the Governing Body. Copies of the Zoning Administrative Officer's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing.

As an additional duty, with respect to each proposed zoning decision involving land that is adjacent to or within 3,000 feet of any military base or military installation or within the 3,000 foot Clear Sone and Accident Prevention Zones Numbers I and II as prescribed In the definition of an Air Installation Compatible Use Zone of a Military airport, the Zoning Administrative Officer, together with the staff of the planning department, shall investigate and make a recommendation with respect to each of the matters enumerated in the next succeeding paragraph, in addition to any other duties with which the planning department or agency is charged by the City. The Zoning Administrative Officer shall request from the commander of such military base, military installation, or military airport a written recommendation and supporting facts relating to the use of the land being considered In the proposed zoning decision at least 30 days prior to the hearing required by subsection (a) of Code Section 36-66-4. If the base commander does not submit a response to such request by the date of the public hearing, there shall be a presumption that the proposed zoning decision will not have any adverse effect relative to the matters specified In subsection (b) of this Code section. Any such information provided shall become a part of the public record.

The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

- (1) Whether the zoning proposal will permit a use that is suitable in view of the use of adjacent or nearby property within 3,000 feet of a military base, military installation, or military airport;

- (2) Whether the zoning proposal will adversely affect the existing use or usability of nearby property within 3,000 feet of a military base, military installation, or military airport ;
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (4) Whether the zoning proposal will result in a use which will or could cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools due to the use of nearby property as a military base, military installation, or military airport;
- (5) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; and
- (6) Whether there are other existing or changing conditions affecting the use of the nearby property as a military base, military installation, or military airport which give supporting grounds for either approval or disapproval of the zoning proposal.

(5) Planning commission recommendation

The Planning Commission shall have ~~thirty (30)~~ **forty- five (45)** days within which to submit its recommendations. The Governing Body shall not take action on any of said applications, until it has received the recommendation of the Planning Commission within the specified time period. If the Planning Commission fails to submit a recommendation within the ~~thirty (30)~~ **forty-five (45)** day period, it shall be deemed to have approved the proposed application.

(6) Appeals (NEW)

Sec. 2619. Appeals.

All such challenges or appeals shall be brought within 30 days of the written decision of the challenged or appealed action. The City Clerk shall serve as the officer to receive the petition or service of appeal on behalf of the Governing Body or Board of Zoning Appeal, in accordance with O.C.G.A. § 36-66-5.1

(7) Designation of Officer for perfection of services; stay of proceedings

Sec. 2708. Designation of Officer for perfection of service; stay of proceedings.

The city officer who shall have the authority, without additional board or agency action, to approve or issue any form or certificate necessary to perfect the petition described in Title 5, O.C.G.A., for review of lower judicatory bodies or agencies referenced in these regulations and upon whom service of such petition may be effected or accepted on behalf of lower judicatory boards during normal business hours, at the regular offices of the City of Dahlonga shall be **the City Clerk**, and shall also serve as the official who ~~or his or her designee who~~ shall have authority to accept service and upon

whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the local governing authority, during normal business hours, at the regular offices of the local government.

An appeal or challenge by an opponent filed pursuant to these regulations ~~this chapter~~ shall stay all legal proceedings in furtherance of the action appealed from or challenged, unless the local government, officer, board, or agency from which or from whom the appeal or challenge is taken certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such actions, the applicant for the zoning decision or the quasi-judicial decision shall be a necessary party and shall be named as a defendant in the action and served in accordance with the requirements of O.C.G.A. Title 5 or Title 9, as appropriate.

DRAFT



City Council Agenda Memo

DATE: March 20, 2023
TITLE: Project # 2023-003 Hancock Park Dumpster Pad Enclosure
PRESENTED BY: Vince Hunsinger, Capital Projects Manager

AGENDA ITEM DESCRIPTION:

This item is to inform Council of the result of the bid to improve the Hancock Park Dumpster Pad identified as Hancock Park Dumpster Pad Enclosure Project #2023-003.

HISTORY/PAST ACTION:

This project is to address the aging, unsightly existing dumpster pad at Hancock Park.

FINANCIAL IMPACT:

The available budget for this project is \$25,000 as of 1/31/2023. We have spent \$3250 for construction plans. The current available budget is \$21,750.00. The low bid for this project is \$70,200. To complete this build, we need an additional \$50,000.

RECOMMENDATION:

It is the recommendation of staff and manager that the solid waste fund cover the additional costs of the dumpster enclosure since it serves as the collection point for the downtown area.

SUGGESTED MOTIONS:

ATTACHMENTS:



City Council Agenda Memo

DATE: March 20, 2023
TITLE: Project 2023-005 North Square Sidewalk Replacement
PRESENTED BY: Vince Hunsinger, Capital Projects Manager

AGENDA ITEM DESCRIPTION:

This item is to inform Council of the result of the bid to repair the North Square sidewalk identified as North Square Sidewalk Replacement Project #2023-005.

HISTORY/PAST ACTION:

This project is to address the impact of the root systems of the trees that were removed from the sidewalk in that area. A bid packet has been published and the bid opening was March 16th after the deadline for this agenda item. Due to the impact of this area interrupting the tourism and festival season, we are asking to fast track this project.

FINANCIAL IMPACT:

The available budget for this project is \$170,022.06. Financial impact will be discussed in this Council Work Session.

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:
